

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, APRIL 3, 2002**

C-1 CALL TO ORDER / ROLL CALL

The City Council Closed Session meeting of April 3, 2002 was called to order by Mayor Pennino at 5:47 p.m.

Present: Council Members – Howard, Land, and Mayor Pennino

Absent: Council Members – Hitchcock and Nakanishi

Also Present: City Manager Flynn, City Attorney Hays, and City Clerk Blackston

C-2 ANNOUNCEMENT OF CLOSED SESSION

- a) Prospective lease of property located at 100 East Pine Street, Lodi, CA (APN 043-072-01); the negotiating parties are the City of Lodi and the Lodi Adopt-A-Child Foundation, a non-profit 501(c) 3 Community-based organization; price and terms of the lease are under negotiation; Government Code §54956.8 (PW)
- b) Prospective lease of 212 West Pine Street, Lodi; the negotiating parties are the City of Lodi and Beckman Capital Corporation; price and terms are under negotiation; Government Code §54956.8 (PW)
- c) Negotiate modification(s) to lease agreement for Lodi Station North Annex; negotiating parties are City of Lodi and Cheryl Lafebre, dba Lodi Greyhound and Western Union; Government Code §54956.8 (PW)
- d) Actual litigation: Government Code §54956.9(a); one case; Citizens for a Quiet Kofu Park vs. City of Lodi, San Joaquin County Superior Court Case No. CV 014871 (CA)
- e) Actual litigation: Government Code §54956.9(a); one case; Albert v. City of Lodi, United States District Court Eastern District, Case No. CIV S-00-2752 LKK PAN (CA)

C-3 ADJOURN TO CLOSED SESSION

At 5:47 p.m., Mayor Pennino adjourned the meeting to a Closed Session to discuss the above matters.

The Closed Session adjourned at 6:55 p.m.

C-4 RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

At 7:05 p.m., Mayor Pennino reconvened the City Council meeting, and City Attorney Hays disclosed the following actions.

In regard to Item C-2 (a), there was no discussion or action taken on the matter.

In regard to Item C-2 (b), the City Council provided direction to staff regarding negotiations for prospective lease of 212 West Pine Street.

In regard to Item C-2 (c), the City Council provided direction to negotiating party involving the lease agreement for Lodi Station North Annex.

In regard to Item C-2 (d), the City Council provided direction to staff regarding a response to a settlement offer by Citizens for a Quiet Kofu Park.

In regard to Item C-2 (e), the City Council provided direction to staff regarding a response to a settlement offer in the case of Albert v. City of Lodi.

A. CALL TO ORDER / ROLL CALL

The Regular City Council meeting of April 3, 2002 was called to order by Mayor Pennino at 7:05 p.m.

Present: Council Members – Howard, Land, Nakanishi, and Mayor Pennino

Absent: Council Members – Hitchcock

Also Present: City Manager Flynn, City Attorney Hays, and City Clerk Blackston

B. INVOCATION

The invocation was given by Pastor Steve Newman, First Baptist Church

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Pennino.

D. AWARDS / PROCLAMATIONS / PRESENTATIONS

D-1 Awards – None

D-2 (a) Mayor Pennino presented a proclamation to Police Chief Jerry Adams proclaiming the week of April 14 – 20, 2002 as “National Telecommunicators’ Week” in the City of Lodi.

D-2 (b) Mayor Pennino presented a proclamation to Nancy Martinez, Library Services Director, proclaiming the week of April 14 – 20, 2002 as “National Library Week” in the City of Lodi. Ms. Martinez introduced the new Lodi library card and announced that the library will be opening on Sundays from 1:00 to 5:00 p.m.

D-2 (c) Council Members Land and Nakanishi presented a proclamation to Phil Jolly with the Ex-prisoners of War group proclaiming April 9, 2002 as “Prisoners of War (POW) Recognition Day in California” in the City of Lodi. Commander Jim Skarles of the Delta Chapter of the American Ex-prisoners of War presented a POW flag to the City and announced that it will be raised at 9:00 a.m. on April 9 in the Veterans Plaza area.

D-2 (d) Mayor Pennino presented a proclamation to Roberta Richards with the Women’s Center of San Joaquin County proclaiming the month of April 2002 as “Sexual Assault Awareness Month” in the City of Lodi. Mayor Pennino noted that today he attended the dedication of the Lodi Women’s Center building in memory of Lois Borchardt.

D-2 (e) Mayor Pennino presented a proclamation to Richard Jones, Executive Director of the Lodi Boys and Girls Club, proclaiming the week of April 8 – 12, 2002 as “National Boys and Girls Club Week” in the City of Lodi. Chairperson Janet Keeter invited everyone to the Lodi Boys and Girls Club annual dinner auction on April 20.

D-3 (a) To thank those who helped make the City Council’s Auction Dinners a success, the following volunteers were presented with Certificates of Appreciation:

Mike Phillips	Lauren Schwabauer
Susan Blackston	Shereen Scherle
Steve Schwabauer	Dori Hays
Janet Hamilton	Randall Hays
Dave Phillips	Dixon Flynn

**Jane Baltz, Sue Nakanishi, Alan Wright, and Hector Serrano were not in attendance, but were also recognized.*

Mayor Pennino noted that two dinners were auctioned by the Council last year. General Mills and Central Valley Waste each paid \$10,000, all of which was donated to the Lodi Boys and Girls Club.

Michael and David Phillips presented the Council with two bottles of their newest wine, *Seven Deadly Zins* and encouraged support for Assembly Member Pescetti’s bill to make zinfandel the official state fruit of California.

D-3 (b) Donna Phillips, member of the Lodi Arts Commission, updated the City Council on the many activities and accomplishments of the Arts Commission.

D-3 (c) Janet Hamilton, Management Analyst, provided an update on the Lodi All Emergency Preparedness Expo, which is scheduled for April 13, 2002 from 9:00 a.m. to 4:00 p.m. at the Lodi Grape Festival, Grape Pavilion Building.

E. CONSENT CALENDAR

In accordance with the report and recommendation of the City Manager, Council, on motion of Council Member Land, Howard second, approved the following items hereinafter set forth **except those otherwise noted** by the vote shown below:

Ayes: Council Members – Howard, Land, Nakanishi, and Mayor Pennino

Noes: Council Members – None

Absent: Council Members – Hitchcock

- E-1 Claims were approved in the amount of \$3,074,551.54.
- E-2 The minutes of March 19, 2002 (Shirtsleeve Session), March 19, 2002 (Special Meeting), and March 26, 2002 (Special Meeting) were approved as written. The minutes of March 26, 2002 (Shirtsleeve Session) were **pulled from the agenda** at the request of Council Member Nakanishi.
- E-3 Approved the plans and specifications for Well 26 Enclosure, 1020 Bridgetowne Drive (Katzakian Park) and authorized advertisement for bids.
- E-4 Adopted Resolution No. 2002-65 rejecting the low bid for power utility duct submitted by G. E. Supply Company, of North Highlands, CA; awarding the bid for power utility duct to the second low bidder, Azco Corporation, of Stockton; and further awarding the bid for utility duct fittings (couplings, elbows) to the low bidder in that category, All-Phase Electric, of Stockton, for the total amount of \$31,433.55.
- E-5 Adopted Resolution No. 2002-66 authorizing Library staff to utilize terms of Contract #TMCC01 between Contra Costa County and Taylor Made Digital Systems, of Livermore, to purchase a Ricoh 1027 digital copier in the amount of \$9,161.
- E-6 Adopted Resolution No. 2002-67 accepting a portion of the development improvements for Parisis Ranch, Tract No. 3111.
- E-7 Adopted Resolution No. 2002-68 amending Traffic Resolution No. 97-148 by approving the speed limit modifications on Guild Avenue as follows:
- | <u>Street Segment</u> | <u>Speed Limit</u> |
|----------------------------|--------------------|
| Vine Street to Lodi Avenue | 40 mph |
| Victor Road to Turner Road | 45 mph |
- E-8 Adopted Resolution No. 2002-69 approving the application to apply for recertification grant funds to operate the Lodi LOOK After School Program at Lawrence and Heritage Elementary Schools under the Before and After School Learning and Safe Neighborhoods Partnership Program through the California Department of Education.
- E-9 Adopted Resolution No. 2002-70 approving the application to apply for grant funds for additional teacher salaries for the Lodi LOOK Program under the Youth and Family Enrichment Program through the Human Services Agency of San Joaquin County.
- E-10 Adopted Resolution No. 2002-71 approving the destruction of certain Human Resources records.
- E-11 Adopted Resolution No. 2002-72 approving the destruction of certain Finance Department records.

F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

G. PUBLIC HEARINGS

- G-1 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Pennino called for the Public Hearing to consider Reimbursement Agreement #RA-02-01 for public improvements for Richards Ranch, Tract No. 2636, and Thayer Ranch, Tract No. 2850.

Public Works Director Prima explained that this item pertains to subdivision improvements that were installed by a combination of the City, a developer, and the School District. The improvements benefit adjacent areas. All property owners were notified.

Sharon Welch, Senior Civil Engineer, reported that the developer installed improvements that serve adjacent properties including Richards Ranch school site, the park site, the eastern portion of the Arcadia Place subdivision, and two properties south of the Richards Ranch site and east of the Thayer Ranch site. The public improvement that benefited these properties included an oversized storm drain and sewer lines, as well as the extension of Blue Jay Way with street and underground improvements to complete the street alignment. The storm drain and sewer lines had to be extended to Stockton Street to provide service for all the subdivisions in the area. Staff determined what was required to serve the City property, School District property, and the Richards and Thayer Ranch subdivisions, and any over sizing was to be reimbursed to the developer by the other benefiting properties. The City and School District paid for their improvements through the subdivision improvement agreement with the Richards and Thayer Ranch properties. This matter is now being brought before Council to establish an area of benefit and the reimbursement cost for the balance of the over sizing, as well as for the street improvements that benefited the Arcadia Place subdivision, which are to be reimbursed to the developer of the Richards and Thayer Ranch subdivisions.

Council Member Howard asked what amount the School District would pay for reimbursement.

Ms. Welch replied that the District is not a party to the reimbursement agreement because it has already paid for its improvements. The District and the City improvements included the street improvements in Blue Jay Way and Culbertson Drive, as well as the underground improvements fronting those properties. Staff calculated the size of underground lines that were necessary to serve all of those properties and to provide capacity for the other properties in the area that were also going to have to use those facilities. The City, School District, and developers of the Richards and Thayer Ranch subdivisions split the cost for the street improvements and the utilities that were necessary to serve those properties.

Council Member Howard inquired how the total of over \$86,000 was arrived at.

Ms. Welch explained that the figures are based on the contract prices that the developer had to construct the improvements. Staff spread the improvement cost based on area served. All of the properties have the same low-density residential land use zoning.

In reply to Council Member Land, Ms. Welch reported that staff did not receive any written comments from the property owners who were notified about this matter. She received one telephone call from the owners of the Miller property for clarification only.

Hearing Opened to the Public

None.

Public Portion of Hearing Closed

MOTION / VOTE:

The City Council, on motion of Council Member Land, Nakanishi second, approved the Reimbursement Agreement #RA-02-01 for public improvements for Richards Ranch, Tract No. 2636, and Thayer Ranch, Tract No. 2850. The motion carried by the following vote:

Ayes: Council Members – Howard, Land, Nakanishi, and Mayor Pennino

Noes: Council Members – None

Absent: Council Members – Hitchcock

H. COMMUNICATIONS

H-1 Claims filed against the City of Lodi – None

H-2 Reports: Boards/Commissions/Task Forces/Committees – None

H-3 Appointments – None

H-4 Miscellaneous – None

I. REGULAR CALENDAR

I-1 “Adopt resolution amending Traffic Resolution approving removal of angle parking at various locations”

Paula Fernandez, Traffic Engineer, recalled that in 2001 staff made recommendations to Council, in collaboration with the Downtown Lodi Business Partnership (DLBP), for conversion of several parallel parking spaces to angled parking. Council approved this recommendation, which gained 50 additional parking spaces. Since that time the parking garage has been completed and staff is now recommending, that due to narrow street width, some of the angled parking be converted back to parallel. Staff mailed over 100 notices to property owners and tenants and published a newspaper notice asking for input on this matter. Twenty-seven responses were received and incorporated into staff's recommendation to make the following changes:

- Remove the angled parking on Locust Street, north side, between Lee and Pleasant and on the south side between Pleasant and Church.
- Remove angled parking on Elm Street, both sides, between Lee and Pleasant, and on the north side between Pleasant and Church.
- Remove angled parking on Pine Street, south side, between Lee and Pleasant, and on the north side, east of Lee (six spaces), and on the south side between Pleasant and Church.
- Remove angled parking on Oak Street, north side, between Pleasant and Church.

PUBLIC COMMENTS:

- Robert Riggle stated that he has had great difficulty bicycling or driving through downtown streets due to angled parking, narrow streets, and extended length of vehicles. He proposed the elimination of all diagonal parking for safety reasons. He questioned why diagonal parking was placed on Elm Street adjacent to the parking garage.

Council Member Land stated that when businesses are open there is very little parking available downtown.

- Vi Riggle stated that it does not make sense to place trees in the street when the space is needed for parking. She further stated that common sense is something that city councils and government are lacking.

In reply to Council Member Nakanishi, Ms. Fernandez reported that 50 additional parking spaces were gained when angled parking was instituted and with tonight's recommendation 31 parking spaces will be lost. A total of 169 spaces with a combination of parallel and diagonal parking will remain available.

In response to Council Member Land, Ms. Fernandez confirmed that the center line on the street would be repainted. She stated that Pastor Norm Mowery and Jennifer Walth's concerns were addressed in staff's recommendation.

MOTION/ VOTE:

The City Council, on motion of Council Member Land, Howard second, adopted Resolution No. 2002-73 amending the Traffic Resolution No. 97-148, Section 4, by approving removal of angle parking on portions of Locust Street, Elm Street, Pine Street, and Oak Street, all west of Church Street with modifications as recommended by staff. The motion carried by the following vote:

Ayes: Council Members – Howard, Land, Nakanishi, and Mayor Pennino

Noes: Council Members – None

Absent: Council Members – Hitchcock

I-2 “Aquatics Facility project review and request for direction”

David Petta, ELS Architects, reported that on February 6 Council authorized work on the aquatics project to proceed. The budget was estimated at \$2.775 million and the pools were to provide aquatic opportunities for all segments of the population including competition, instruction, recreation, and fitness swimming. Working drawings were to be complete by the end of October in order for funding to proceed on the project. Mr. Petta explained that to meet the deadlines, the schematic design must be completed by June 1 and followed by consecutive meetings of the SPARC, the Recreation Commission, and the City Council. ELS has worked with a steering committee, task force, swim club board, and held a public workshop. They visited competitive and recreation facilities in Galt, Folsom, and Sacramento.

With the aid of overheads (filed) Mr. Petta described the proposed aquatics facility. The front of the facility will be on Vine Street. Two schemes were developed: 1) 25 yard, 25 meter, and 2) 50 meter. The 50-meter scheme is estimated at \$6 million and the 25-yard scheme at \$4.7 million. The scheme that balances more nearly the recreational water with competitive water has a higher projected rate of return between 70% and 80%, requiring an annual subsidy of \$100,000 to \$150,000. The rate of return on the 50-meter scheme is estimated to be at 55% to 65% because of the imbalance of competitive to recreational water. The annual subsidy for the 50-meter scheme is projected to be \$175,000 to \$225,000. Parking on the site has been sized to provide parking for the recreational pool, staff, and short-term parking. If competitive events were held at the same time the recreation pool was open, there would need to be shuttle bus service and sharing of parking at the nearby park and/or school property.

Council Member Howard asked what fee for service was used to arrive at the subsidy amounts quoted, and pointed out that during the winter months there would be less usage and it would cost more to heat the water.

Mr. Petta replied that ELS subconsultants used rates from the Roseville and Folsom facilities, which operate in similar climates. The recreational pool would be shut down during the winter months, while the competitive pool would remain open. The subsidy amounts quoted took this into consideration.

In answer to additional questions by Council Member Howard, Mr. Petta stated that solar panels are not feasible due to the amount of real estate needed to lay out the panels, associated problems with chemicals, etc. He noted that bus parking will be included in the final layout of the facility.

Council Member Nakanishi asked what the operating cost would be.

Parks and Recreation Director Baltz reported that the additional work and cost for a detailed economic analysis had not been authorized. He stated that the facilities are not self sufficient and expenditures would exceed revenues.

City Manager Flynn stated that the economic impact to the community should also be considered, i.e., when tournaments are held and visitors shop and lodge in the City, this would offset some of the direct costs.

With the aid of overheads (filed) Jennifer Pinnell, Recreation Supervisor, provided information related to the programming of an aquatics facility. Staff's goal is to have every fourth grader learn to swim. The 50-meter scheme is needed to accomplish this goal and to provide adequate water availability for the summer swim league, City Swim Club, long course swim meets, physical therapy, water aerobics, diving, scuba, snorkeling, kayak, canoe, synchronized swimming, and competitive and recreational water polo.

PUBLIC COMMENTS:

- Randy Snider, representing the Swimming Pool Task Force, stated that its charge was to develop a recommendation to the Council that would address the aquatic needs of today and those of the future. The task force has met for over a year and is now unanimously recommending the 50-meter pool.

In answer to Council Member Land, Mr. Snider believed that there would be an opportunity for corporate sponsorships.

- Max Steinheimer, task force member, reported that the pool consultant had informed them that the pool admission fee is typically similar to the cost of a movie matinee in the community. Market price for fees related to clubs and swim teams is set by the swim community. A feasibility study would have cost \$20,000. In lieu of this, they arrived at their estimates by reviewing feasibility studies that were done for other similar projects. The City of Redding determined that an average of \$87 per person, per day, is generated from visitors attending aquatic events. Mr. Steinheimer stated that demand exists in the community for more pool water than is currently available. Only the 50-meter pool scheme meets the need for combined usage and overlapping scheduling.
- Bob Johnson, Chairman of the Recreation Commission, reported that the commission voted 4-1 in favor of a 50-meter pool.
- Vi Riggle stated that sixty years ago Lodi had a very nice pool, which is now covered up by the parking garage across from the recreation department. She spoke in support of the 50-meter pool concept.
- Mr. Snider reported that the difference in price between the 25- and 50-meter pools is \$1.2 million.
- Susan Heberle stated that she has been involved with summer league swimming for 16 years. She supported the 50-meter pool for general safety reasons and its adequate water depth for diving.
- Robert Riggle stated that the aquatics facility will be a monument to the City forever. He expressed the virtues of swimming for youth and positive impact that training provides them.

At the request of Mayor Pennino a large number of the audience chose to raise their hands in support of the 50-meter pool; no one raised their hands in favor of the 25-meter pool.

- John Griffin stated that he taught swimming lessons for many years and believed that diving is an important experience for youth. He encouraged the Council to vote in

favor of the 50-meter pool and explained that it represents 165 feet of water, which can be divided in half or quarters to teach four different programs at once.

Council Member Land commented on the merits of swimming lessons for youth and believed it often helps them to become better citizens.

In reply to Council Member Land, Mr. Griffin reported that swimming lessons currently cost \$55 per month for one child. The issue of fees is currently being discussed with the Parks and Recreation Department staff.

Council Member Howard voiced support for the 50-meter scheme and challenged those involved in the aquatics facility to look for creative ways to attract sponsorships, partnerships, and fundraising opportunities.

Council Member Nakanishi also supported the 50-meter concept and provided the following justification: multiple use, economic reasons, and benefit to children. He declared that Lodi is a first-class city and should have a first-class pool.

In response to Council Member Land's concern regarding funding for the many large projects currently being proposed, City Manager Flynn pointed out that there is a benefit to completing design work on the projects. When money does become available, the City can then move rapidly. Possibilities include constructing the projects in phases, going to the voters for support, and/or looking for grant funds. He noted that it would likely be two years before the aquatics facility got underway, which will allow time to consider funding strategies.

Mayor Pennino supported the 50-meter pool and stated that Lodi has excellent corporate sponsors in the community. He agreed that it is important to move forward with the design work. He was opposed to Mr. Flynn's suggestion of placing a tax measure on the ballot for voters, as he believed that the City can afford the project within its budget. He pointed out that sales tax has been averaging an 8% increase each year. Over a two-year period this amounts to \$1.4 million in increased sales tax.

Council Member Nakanishi emphasized that his approval of the aquatics facility does not mean he would be in support of a bond, and stated that he would vote against a bond proposal for this project should it be considered. Further, he stated that when he was Mayor he found that the City could probably afford to build one project, but not all three. He expressed confidence that all the projects would eventually be constructed; however, it may take an extended period of time. He noted that approximately a year ago the City, through a bold refinancing effort, could have arranged funding for all the projects.

MOTION / VOTE:

The City Council, on motion of Council Member Land, Howard second, directed staff to move forward with specific design element component to include Option #2, the enhanced scheme, which includes 25-yard by 50-meter pool and a 7,300 square foot recreational pool. The motion carried by the following vote:

Ayes: Council Members – Howard, Land, Nakanishi, and Mayor Pennino

Noes: Council Members – None

Absent: Council Members – Hitchcock

RECESS

At 9:20 p.m. Mayor Pennino called for a recess and the City Council meeting reconvened at 9:30 p.m.

I. REGULAR CALENDAR (Continued)

I-3 "Indoor Sports and Activity Complex project review and request for direction"

Parks and Recreation Director Baltz reported that ELS Architects are prepared to move into the schematic design phase of this project, and staff is now asking Council to select a preferred concept option for the Indoor Sports and Activity Complex.

Michael Reese, Recreation Supervisor, stated that he serves as liaison to the Indoor Sports Complex steering committee, which is comprised of staff members from the departments of Public Works, Community Development, Parks and Recreation, and representatives from BOBS and the Lodi Sports Foundation. The steering committee has held meetings, gone on a field trip, and discussed the master plan for the area bounded by Stockton, Elm, and Locust Streets and the railroad tracks. The committee's philosophy is to provide the best sports center at the best value. The prime element in the center will be the basketball courts. Community space is needed for activity classes, individual exercise areas, and room for public gathering. Mr. Reese stated that individual activities will return revenue to the City at a higher rate than only team sports.

David Petta, representing ELS Architects, reported that on February 6 Council authorized work on the Indoor Sports and Activity Complex to proceed. The budget was estimated at \$5.25 million. Drawings were to be complete by the end of October in order for funding to proceed on the project. Mr. Petta explained that to meet the deadlines, the schematic design must be completed by June 1 and followed by consecutive meetings of the SPARC, the Recreation Commission, and the City Council. Three steering committee meetings have been held as well as one public workshop. Field trips were taken to see facilities in Galt and Roseville. The Roseville facility had fitness machines, a café, a climbing wall, and catering kitchen, which brought in revenue. He pointed out that they are not just planning the Indoor Sports Complex, but the entire two-block area. The first phase will be the Indoor Sports building, Main Street improvements, and overall master plan. An additional element will be to review a study done five years ago on renovating the old firehouse for the purpose of relocating the Parks and Recreation offices. In that case, the current Parks and Recreation offices would be freed up to use a community center. Mr. Petta stated that one of the prime pieces of the overall plan is the covered soccer pavilion. Parking will be located off Locust Street and a main feature will be a pedestrian mall that connects all the activities. The annex will stay as it is and continue its current function. The Lakewood Chevron building site could be used as either space for another mini court or as parking for an additional 32 spaces. Phase one also involves the semi closure of Main Street and designing it similarly to Elm Street between School and Church Streets. The Indoor Sports facility will be situated along the railroad tracks, with the entrance on Elm Street and rear of the building on Locust Street. ELS Architects were informed that three basketball courts (84 feet long, 50 feet wide) would be the prime focus of the project.

With the aid of overheads (filed) Mr. Petta described the first scheme, which has a two-court gym with a curtain between and a single court in the front. He noted that this facilitates programming and tournaments. This scheme also includes administrative functions, a kitchen, locker rooms, and small multi-use space. Mr. Petta explained that a concern that gained equal prominence as the meetings continued was to improve the rate of return. The spaces that return a higher rate on the operating dollar are the multi-use and smaller activity spaces. For this reason, ELS prepared a scheme with more of the multi-use spaces and a loft over the locker rooms – at a cost of giving up the third basketball court. Mr. Petta believed this scheme to be more of a "lantern," i.e., a civic presence. He noted that an option exists to add the third court on the parking lot area, and then use the Lakewood Chevron building site for parking.

Mr. Petta reported that the target was 30,000 square feet. The budget is estimated at \$5.25 million (at \$175 per square foot); however, Mr. Petta recommended that \$190 a square foot be planned for. The Main Street closure and landscaping would cost an

additional \$1 million. He recommended a 15% contingency be added to all the costs. For building and landscaping of the 31,000 square foot scheme the cost would be in the \$7 million dollar range. If an expansion to either scheme were done, it may add another 8,000 square feet at a cost of an additional \$2 million.

Mayor Pennino stated that he is opposed to parking on the Indoor Sports Complex site. He recalled that Council gave direction to staff to look at using the parking structure and to consider the possibility of building a flyover from the third floor of the parking structure to the Complex.

PUBLIC COMMENTS:

- Bob Johnson, Chairman of the Recreation Commission, reported that the Commission voted 4-1 in favor of the Indoor Sports and Activity Complex.

Mr. Baltz elaborated that the commission voted in favor of the scheme, which illustrated the full build out of three basketball courts, plus all the revenue generating elements.

In answer to Mayor Pennino, Mr. Baltz reported that the cost recovery numbers are estimated ranges that staff received from ELS and its subconsultant for the three-court option, which is a 35% to 55% cost recovery expectation.

- John Johnson, Chairman of the Lodi Sports Foundation, acknowledged that the flyover was addressed with the steering committee; however, City staff stated that it was not possible. Mr. Johnson believed that the three-court scheme includes everything that the Lodi Sports Foundation, BOBS, and members of the community would like to see. The second floor mezzanine provides greater opportunity to recapture costs. He reminded Council that when the feasibility study was originally done the preliminary total project cost was \$9,042,100.

Council Member Land asked whether the steering committee considered the equipment that Dave Vacarezza donated to the City and how it would be incorporated into the Sports Complex.

John Johnson stated that it had been discussed; however, the wood floors were found to need more renovation than what was originally anticipated. The three-court scheme as described uses only the donated soccer fields.

In reply to Council Member Land, City Manager Flynn reported that site acquisition would be an additional \$500,000 to \$750,000.

In response to Council Member Land's suggestion, John Johnson conceded to the two-court scheme with a possibility of a third court being added later, perhaps with funding from the Lodi Sports Foundation and/or BOBS.

Council Member Nakanishi asked why the donated equipment was not incorporated into the plan.

Mr. Baltz stated that staff is attempting to use as much of the equipment as possible. The cost of repairing the donated basketball courts may be nearly as much as installing new courts in the facility.

Council Member Nakanishi stated that he has been in support of the Sports Complex since the beginning; however, he preferred a design which focuses on the needs of youth, rather than generating revenue.

Mr. Flynn stated that staff recommends the enhanced facility because it more closely attains the broader vision for the east side. The Sports Complex could serve as an anchor for the east side and the entire downtown area. An economic impact could be

done to show the benefits to the community. He reported that the City of Davis had 10,000 people attend its volleyball tournament on one weekend. The Sports Complex is for the youth of Lodi and could also serve as an asset to the entire community.

Council Member Howard pointed out that the two-court, multi-use scheme is smaller in size than the three-court facility, yet they cost about the same.

Mr. Petta explained that the size of a basketball court cannot be altered, whereas the multi-use space is much more flexible.

Council Member Howard expressed concern that not more of the significant donated equipment was utilized. She asked whether money could be saved by delaying the Main Street improvements.

Mr. Reese explained that part of the reason for altering Main Street is to provide safety for children, as it would promote slower traffic. He stated that staff had aimed to make the facility more than just a gymnasium for team sports and to provide an option for individualized exercise and activity spaces. There has been some discussion about placing the second soccer field near the corner of Lockeford and Stockton Streets where two City parking lots are currently located. In addition to their worn condition, the dimensions of the donated basketball courts are not conducive to cross court play.

Bob Johnson advised Council to consider, prior to project approval, how private enterprise might react to the City competing for athletic revenue generating endeavors.

At the request of Mayor Pennino a majority of those present in the audience chose to raise their hands in support for the two-court, multi-use design as described by Mr. Petta.

Mayor Pennino encouraged Council to support the two-court, multi-use design concept for the Indoor Sports and Activity Complex. He expressed hope that the sports organizations could help fund the third basketball court at a later time. He asked that the flyover be discussed in the future and emphasized that the parking structure should be fully utilized. He stated that he was not convinced about the proposal for parking on Main Street.

Council Member Howard found it perplexing that only recently a number of people from the community expressed a strong desire for use of the indoor soccer fields and hockey ice skating rink, while the priority now being suggested is for such activities as babysitting, a climbing wall, cardiovascular equipment, etc. She preferred that further planning be done to create an option that focuses on basketball courts and a soccer field.

Mayor Pennino explained that there had been one meeting where citizens came forward to speak in support of utilizing the donated equipment; however, the original report on the Sports Complex (which included community input) included such items as a rock climbing wall.

MOTION:

Council Member Land made a motion, Pennino second, to direct staff to move forward with a design that includes the multi-use program, which includes two basketball courts, a multi-purpose facility, and a parking lot to the north of the basketball courts for future expansion.

DISCUSSION:

Council Member Howard stated that she understood the need for a Sports Complex and the original plan; however, she believed that for \$7 million there was a better way than what has been proposed, to meet the needs that people in the community are demanding.

Council Member Land reported that he was serving on the Planning Commission when the topic of a Sports Complex was first considered and there was considerable interest expressed on the part of the community to include services and equipment such as babysitting, a rock climbing wall, multi-purpose rooms, weight rooms, and individual physical fitness equipment.

VOTE:

The motion **failed** by the following vote:

Ayes: Council Members – Land and Mayor Pennino

Noes: Council Members – Howard and Nakanishi

Absent: Council Members – Hitchcock

I-4 “Adopt resolution opposing SB1717 regarding changes to annexation law”

Public Works Director Prima reported that a few weeks ago Senator Machado introduced SB1717, which if approved, will make changes to the state law regarding annexations. According to Senator Machado's staff, the issue of a city annexing property for one purpose, then later changing the use, is a statewide concern.

Council Member Land stated that SB1717 appears to be directed at Lodi and specifically to the proposed ProStyle Sports Complex. He believed that Council should strongly oppose the bill on the grounds that it takes away local control. He questioned whether the bill would affect the City's current lease with farmers who are using treated discharge water for irrigation.

Mr. Prima indicated that he was unsure of all the potential impacts because the bill does not define what “municipal use” is.

PUBLIC COMMENTS:

- Robert Asklof stated that he has been involved with ProStyle Sports. He felt that the City should be able to maximize its income and community benefits from any asset that the City has paid for with local taxpayer funds. Senate Bill 1717 would eliminate private enterprise and City partnerships that in many cases over the past ten years have proven to be a better way of funding many projects that directly benefit local area residents and in many cases would never have been built if local, county, state, and federal funds were the sole source of funds for the project. The bill would take away the direct tax income from the City and transfer it to the county. He questioned why state legislators make policies that impact local issues. Local citizens and municipalities know what is best for their local community and should be the ones to determine the outcome of the issues, not state legislators that have nothing invested in the community. He warned that if the bill passes the land owned by the City could not be used even for agricultural purposes.
- Mike Hakeem stated that a number of other cities are considering opposition resolutions to SB1717 and if approved tonight, Lodi would be the first city of many in the valley that would go on record opposing this bill. He suggested that correspondence also be sent to the League of California Cities.
- Ben Goehring also voiced opposition to SB1717.

Council Member Land stated that neither the environmental impact report nor the business plan for ProStyle Sports has yet been brought to Council for consideration. He clarified that the matter before Council at this time is strictly about local control.

MOTION / VOTE:

Council Member Land made a motion, Nakanishi second, to adopt Resolution No. 2002-74 opposing SB 1717 regarding changes to annexation law, based on local control.

DISCUSSION:

Mayor Pennino stated for the record that Council is not making a decision for or against ProStyle Sports at this time. He emphasized that this matter is purely a local control issue.

VOTE:

The motion carried by the following vote:

Ayes: Council Members – Howard, Land, Nakanishi, and Mayor Pennino

Noes: Council Members – None

Absent: Council Members – Hitchcock

- I-5 "Adopt resolution authorizing the City Manager to sign an agreement extending the Laidlaw Transit services contract through June 30, 2003"

Carlos Tobar, Transportation Manager, reported that staff has prepared the best contract possible, it is good for the City, at a great price, and benefits the drivers.

Council Members Land, Nakanishi, and Mayor Pennino stated that Mr. Tobar has done an excellent job for the City and wished him well in his new position with SMART San Joaquin Regional Transit District.

MOTION / VOTE:

The City Council, on motion of Council Member Howard, Nakanishi second, adopted Resolution No. 2002-75 authorizing the City Manager to sign an agreement extending the Laidlaw Transit services contract through June 30, 2003. The motion carried by the following vote:

Ayes: Council Members – Howard, Land, Nakanishi, and Mayor Pennino

Noes: Council Members – None

Absent: Council Members – Hitchcock

- I-6 "Adopt resolution authorizing the City Manager to sign a request to the San Joaquin Council of Governments (SJCOG) for Measure K Expenditure Plan Amendment"

Public Works Director Prima reported that on an annual basis, the SJCOG prepares a Measure K expenditure plan amendment as new needs arise. Staff has identified the Harney Lane grade separation and the Century Boulevard pedestrian over crossing as worthy and necessary projects. So as not to confuse this issue with the recent School District Measure K issue, Mr. Prima clarified that the Measure K being referred to in this matter is related to the half cent sales tax that was approved by voters in 1990. It provides a significant amount of money to the City for road maintenance and other projects.

MOTION / VOTE:

The City Council, on motion of Council Member Land, Howard second, adopted Resolution No. 2002-76 authorizing the City Manager to sign a request to SJCOG for a Measure K Expenditure Plan Amendment. The motion carried by the following vote:

Ayes: Council Members – Howard, Land, Nakanishi, and Mayor Pennino

Noes: Council Members – None

Absent: Council Members – Hitchcock

- I-7 "Adopt resolution authorizing the Mayor to sign the Resolution to Implement Local Government Control Measures in the Severe Ozone Plan for the San Joaquin Valley"

Public Works Director Prima reported that all cities in the valley are being asked to adopt measures that they will undertake to help improve air quality. SJCOG is adopting a number of measures on a regional basis. He stated that the "blue sheet" information distributed to Council (filed) identifies the implementation schedule.

MOTION / VOTE:

The City Council, on motion of Council Member Land, Howard second, adopted Resolution No. 2002-77 authorizing the Mayor to sign the Resolution to Implement Local Government Control Measures in the Severe Area Ozone Plan for the San Joaquin Valley. The motion carried by the following vote:

Ayes: Council Members – Howard, Land, Nakanishi, and Mayor Pennino

Noes: Council Members – None

Absent: Council Members – Hitchcock

J. ORDINANCES

None.

K. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- Council Member Howard noted that there were many proclamations and presentation on the agenda this evening, which is an indication of the many great programs going on in the City, as well as excellent people in the community.
- Council Member Land announced that the Lodi District Chamber of Commerce is coordinating the upcoming School Street Stroll. He recently read a Letter to the Editor written by an out of town visitor who had very positive comments to make about Lodi's downtown area, Hutchins Street Square, City facilities, and commercial business owners. Mr. Land also stated that City Manager Flynn has done a great job with the budget and projecting revenues. Revenues were projected at 66% and actual figures came in at 65.5%. He noted that the residential low-income discount is at 101% usage.
- Mayor Pennino stated that Council Member Howard did an excellent job at the SJCOG Washington D.C. One Voice event.

L. COMMENTS BY THE CITY MANAGER ON NON-AGENDA ITEMS

- City Manager Flynn wished Mayor Pennino happy birthday (yesterday) and to Randy Hays for his birthday on April 12.

M. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 11:02 p.m.

ATTEST:

Susan J. Blackston
City Clerk